

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SRAM CORPORATION,)
)
Plaintiff,) Case No. 06-CV-1025
v.)
) Honorable Charles P. Kocoras
FORMULA S.R.L.,)
and PERIGEUM DEVELOPMENT, INC.)
d/b/a FORMULA BRAKE USA,)
)
Defendants.)

MOTION FOR REASSIGNMENT

COMES NOW Plaintiff SRAM Corporation (“SRAM”), by and through its undersigned counsel, pursuant to Local Rule 40.4, and for its Motion for Reassignment, hereby states as follows:

1. On February 23, 2006, SRAM initiated the instant action against Formula s.r.l. and Perigeum Development, Inc. d/b/a Formula Brake USA. The Complaint alleges infringement of U.S. Patent No. 6,957,534 B2 relating to a master cylinder lever of a hydraulic disc brake having reach and deadband adjustment. The case is currently pending before this Court as Case No. 06-CV-1025. The instant action is hereinafter referred to as the “First Case.”

2. On March 20, 2007, SRAM filed a second Complaint against the same Defendants Formula s.r.l. and Perigeum Development, Inc. d/b/a Formula Brake USA. See Complaint, attached hereto as Exhibit A and incorporated herein by reference. The second Complaint alleges infringement of U.S. Patent No. 7,178,646 B2 relating to a master cylinder lever of a hydraulic disc brake having a backpack reservoir. That action was assigned to the

Honorable John W. Darrah and is currently pending as Case No. 07-CV-1565. This second action is hereinafter referred to as the “Second Case.”

3. The First and Second Cases involve the exact same plaintiff and defendants and some of the same issues of fact or law and/or grow out of the same transactions or occurrences, wherein the First and Second Cases:

- a. involve two related hydraulic disc brake patents which derive from the same original provisional patent applications (U.S. Provisional Patent Application Ser. Nos. 60/344,450, filed Dec. 28, 2001; 60/416,130, filed Oct. 4, 2002; and 60/416,698, filed Oct. 7, 2002, each entitled “Master Cylinder Lever for Hydraulic Disc Brake”);
- b. involve two related hydraulic disc brake patents which have the same named inventor;
- c. involve two related hydraulic disc brake patents which have some of the same cited prior art (compare “References Cited” in the ‘534 and ‘646 patents);
- d. allege patent infringement by the same defendants (Formula, s.r.l. and Perigeum Development, Inc. d/b/a Formula Brake USA); and
- e. involve some of the same accused products (the ORO K24 hydraulic disc brake; the ORO Puro hydraulic disc brake; and the ORO Bianco hydraulic disc brake).

4. The handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort. Having been involved in the First Case since its inception, Judge Kocoras is already well versed in the nature of the patent issues presented and is well prepared to handle similar issues presented in the Second Case, many of which may overlap with those presented in the First Case.

5. Discovery in the First Case is still ongoing, and any additional discovery requirements imposed by the filing of the Second Case should not substantially delay resolution of the First Case.

6. Both cases are susceptible of disposition in a single proceeding.

7. Counsel for SRAM Corporation (Richard Walsh, Jr.) has conferred with counsel for Defendants (Burt Ehrlich) regarding this motion. Counsel for Defendants has seen and reviewed the motion and is consulting with his clients regarding their position on the motion.

WHEREFORE, Plaintiff SRAM Corporation hereby respectfully requests that this Court designate the instant case, SRAM Corporation v. Formula, s.r.l. and Perigeum Development, Inc., Case No. 06-CV-1025, and the later filed case, SRAM Corporation v. Formula, s.r.l. and Perigeum Development, Inc., Case No. 07-CV-1565, as related cases; reassign the later filed case, SRAM Corporation v. Formula, s.r.l. and Perigeum Development, Inc., Case No. 07-CV-1565, to The Honorable Charles P. Kocoras; and issue such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

SRAM CORPORATION

By: \s\ Robert E. Browne
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon counsel of record this 29th day of March, 2007 addressed as follows:

VIA HAND DELIVERY and VIA ECF

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\s\ Robert E. Browne